

REMARKS

Claims 1-6, 9-11 and 13-19 were pending in the subject application. Applicant expresses their gratitude to the Examiner for the courtesy extended to the undersigned in the interview between the undersigned and the Examiner on March 10, 2008. Applicant has received the interview summary, which Applicant acknowledges accurately summarizes the subject matter of the interview. Applicant has taken great care in amending the claims in order to capture the elements that the Examiner has indicated would distinguish the claims over the presently cited art. Claims 1-3, 6-8, 12-14 and 18-19 have been cancelled, without prejudice, for purposes of expediting allowance of the case. Accordingly, upon entry of the foregoing amendments, claims 4, 5, 9-11 and 15-16 will be before the Examiner for consideration.

Claim 19 was rejected under 35 USC § 103(a) as being obvious over Ogilvie et al. Applicant asserts that this rejection is rendered moot in view of the cancellation of claim 19. Reconsideration is respectfully requested.

Claims 1-6 and 13-18 were rejected under 35 USC § 103(a) as being obvious over Ogilvie in view of Helton. This rejection is moot with respect to claims 1-3, 13, 14, 17, and 18, in view of their cancellation. With respect to claims 4, 5, 15 and 16, Applicant traverses and asserts that the amendments to claim 4 obviates this rejection. Claim 4 has been amended in consideration of the Examiner's suggestions as set forth in the interview summary. In light of these amendments, Applicant asserts that claim 4 is clearly distinguished and patentable over the cited primary Ogilvie reference and secondary Helton reference, either alone or in combination. Claims 5, 15 and 16 are dependent on claim 4 and are therefore construed to include the limitations of claim 4. Therefore, logically, claims 5, 15, and 16 are also patentable over claim 4. In view of the foregoing remarks and amendments, reconsideration of this 35 USC § 103(a) is requested.

Next, claims 9-11 are rejected under 35 USC § 103(a) as being obvious over Ogilvie in view of Helton and further in view of Chilcutt. Applicants respectfully assert

that the amendments to claim 4, the independent claim upon which claims 9-11 depend clearly distinguish claim 4 over the Ogilvie and Helton references as discussed above. The Chilcutt reference does not cure the deficiencies of the primary Ogilvie reference and Helton secondary reference. A *prima facie* case of obviousness requires that all elements of a rejected claim be taught or suggested in the cited prior art. Claim 4 has been amended to include limitations which, as the Examiner has acknowledged, distinguish claim 4 over the Ogilvie and Helton references. Neither the Ogilvie and Helton references include edge panels that form an outer peripheral structure extending along all four sides of a palette assembly. The cited references do not disclose edge panels comprising tab locks and edge flaps comprising holes, wherein tab locks of one frame lock into holes of a second frame. The cited references also do not include edge panels along all four sides that also include jack passages for engagement by a forklift. These and other elements of claim 4 are absent from the cited references including the Chilcutt reference. As claims 9-11 depend from claim 4, claims 9-11 include elements that also are absent from the cited references. Accordingly, the combination of the Ogilvie, Helton and Chilcutt references fail to establish a *prima facie* case of obviousness with respect to claims 9-11. In view of the foregoing remarks and amendments, reconsideration of this 35 USC § 103(a) is requested.

Applicants believe that all claims are in a condition for allowance, and request that a Notice of Allowance be issued. Applicants invite the Examiner to call the undersigned if clarification is needed on any aspect of this response. In addition, the Applicants request that the Examiner call the undersigned to arrange a telephonic interview if the Examiner believes that not all grounds for rejection have been addressed and overcome.

Respectfully submitted,
//thvandyke//

Timothy H. Van Dyke
Reg. No. 43,218
Beusse Wolter Sanks Mora & Maire P.A.
390 N. Orange Avenue, Suite 2500
Orlando, FL 32801
Phone: (407) 926-7726